REMARKS

Claims 6-15 were in the application and rejected under Section 112 and Section 102.

Applicant has amended independent claim 6 to clarify certain aspects of Applicant's invention; namely, the present information includes playing music in accordance with the first musical style including at least in part music that is automatically composed via an algorithm. As Applicant submits that the amended and previously examined claims contain subject that is neither disclosed in nor suggested by the cited references, Applicant respectfully traverses the rejection under Section 102. As previously explained, and as explained further herein, Applicant also traverses the rejection under Section 112.

The present invention is directed to methods for a virtual or simulated radio device, in which a processor, in response to user input, simulates the playing of music of a particular simulated radio station, where the music played with a particular simulated radio station is of a particular style that corresponds to the particular simulated radio station. Applicant submits that the originally submitted disclosure, and the documents referenced and incorporated therein, provide sufficient disclosure for the invention claimed and fully comports with the requirements of Section 112. The Examiner's rejection in this regard, respectfully, seems to be a criticism of the block diagram nature of Applicant's Fig. 1, and Applicant's rather concise disclosure. The real question, however, is whether one of skill in the art would find sufficient teachings in Applicant's disclosure, which may include reference to other material and which may include the knowledge and experience that one of skill in art is presumed to know, to carry out the claimed invention without undue experimentation.

Referring, for example, to claim 6, it is submitted that Applicant's claimed method satisfies this test. This can be confirmed from a comparison of the teachings of Applicant's disclosure with the elements of Applicant's claimed methods. For example, claim 6 recites:

> A method for simulating a radio device, wherein the radio device simulates the playing of music on a plurality of simulated radio stations, wherein at least certain of the plurality of simulated radio stations each correspond to one of a plurality of predetermined musical styles and play music in accordance with the one of a plurality of predetermined musical styles, the method comprising the steps of:

For example, Fig. 1 of Applicant's disclosure, and the disclosure from page 2, line 21 to page 4, line 17, disclose a system and operative environment for carrying out the claimed method.

storing a library of music files in a first memory;

For example, memory 7 of Fig. 7, and the discussion of memory 7 in the disclosure from page 2, line 24 to page 3, line 3, disclose that a separate or combined memory device in communication with a processor may be provided in order to store a library of music files.

storing a plurality of sound samples in a second memory;

For example, memory 3 of Fig. 1, and the discussion of memory 3 in the disclosure from page 2, line 24 to page 3, line 3, and from page 3, line 17 to page 3, line 28, disclose various ways in which a memory in communication with the processor may be provided to store sound samples.

storing musical composition data in a third memory;

For example, memory 2 of Fig. 1, and the discussion of memory 2 in the disclosure from page 2, line 24 to page 3, line 6, disclose the storage of musical composition data in a memory, which is in communication with the processor.

receiving first user input indicative of a first simulated radio station of the at least certain of the plurality of simulated radio stations, wherein the first simulated radio station corresponds to a first musical style;

For example, page 1, line 26 to page 2, line 10, and page 4, lines 9-17 of the disclosure disclose allowing the user to "tune" to simulated radio stations, providing switch inputs, commands via a graphical interface, for user input for such "tuning" and thereby selecting a predetermined musical style.

under control of a processor in response to the first user input, selectively retrieving one or more music files from the first memory and/or selectively retrieving musical composition data from the third memory; and

For example, page 2, line 24 to page 4, line 4 of the disclosure discloses the processor controllably retrieving music files from memory 7 and/or music composition data from memory 2; page 4, lines 9-17 disclose how the device operates responsive to user input.

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under control of the processor, selectively playing music in accordance with the first musical style corresponding to the first simulated radio station, wherein the played music in accordance with the first musical style corresponding to the first simulated radio station comprises music based on the selectively retrieved music files from the first memory or automatically composed music based on the selectively retrieved musical composition data from the third memory, wherein the automatically composed music is composed via an algorithm by a synthesizer under control of the processor, wherein the played music in accordance with the first musical style includes at least in part the automatically composed music.

For example, page 2, line 24 to page 4, line 4 of the disclosure discloses the processor controllably retrieving music files from memory 7 or music composition data from memory 2; page 4, lines 9-17 disclose how the device may operate to play music in accordance with a selected style or type of music; page 2, line 24 to page 3, line 16 disclose how the processor and memory 2 may cooperate to provide algorithmically, autocomposed music, which includes an incorporation by reference of Applicant's co-pending application (as the autocomposition algorithm is not recited in the claim, it is submitted that the incorporated disclosure is not "essential" matter for purposes of the presently claimed invention).

Moreover, given the level of skill in the microprocessor-music generation/playback art, it is submitted that one of skill in the art could, based on Applicant's disclosure, readily implement the system of Fig. 1 with appropriate software to carry out Applicant's claimed method. Accordingly, Applicant submits that the rejection under Section 112 should be withdrawn.

With respect to the rejection of the pending claims under Section 102, Applicant also has reviewed the cited references and finds no teaching or suggestion of Applicant's claimed invention. Sitrick, for example, is directed primarily to a system of workstations for displaying music scores and the like so that a user may play music in accordance with the displayed musical score. The musical score may be displayed on a plurality of displays for the a plurality of musicians may combine to play the music. If, for example, the music is played (in response to the user viewing the displayed score) via a MIDI instrument, the system also may record the notes and perform a comparison of the actual music played as compared with the music dictated by the musical score. Other refinements are discussed, but Applicant's attorney can find no teaching or suggestion for simulating a radio station including the use of algorithmically created music as described and claimed by Applicant. Arnalds is similarly distinguishable, as Arnalds is directed to an audio language used to generate audio sources for an audio scene. Applicant's

attorney has reviewed Arnalds and can find no teaching or suggestion of Applicant's claimed method.
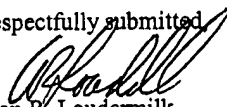
Respectfully, the Examiner's rejection of the claims under Section 102 provide no detail whatsoever as to how the detailed steps of Applicant's claims purportedly read on the cited references. The concept of a simulated radio appears neither disclosed nor suggested in the references; the concept of algorithmic autocomposition of music in accordance with a musical style appears neither disclosed nor suggested in the references. As the Examiner's rejection contains no citation to any particular part of these references, Applicant submits that the rejection under Section 102 is improper and must be withdrawn; there must be some finding that the claimed elements are found in the cited references for a rejection under Section 102 to be proper; respectfully, this has not been shown.

Accordingly, Applicant submits that the claims as presented, as well as the specification, comport with the requirements of Section 112 and patentably distinguish over the cited references.

Finally, in response to the objection to the drawing, Applicant proposes to add the label "Fig. 1" to the drawing, and the label "Sum/DAC" to block 5 of the drawing, as indicated by the circled annotations to the drawing attached hereto.

Applicant has endeavored herein to address such matters and to otherwise put this application in condition for allowance. No new matter has been added.

Reconsideration and allowance is requested.

Respectfully submitted,

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